

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NICHOLAS DUPREE

Petitioner,

v.

JOHN WETZEL, *et al.*

Respondents.

CIVIL ACTION NO. 20-2392

ORDER

AND NOW, this 23rd day of August 2023, upon careful and independent consideration of the Amended Petition for Writ of Habeas Corpus [Doc. No. 20], and the related filings, and upon review of the Report and Recommendation relating thereto [Doc. No. 44], and the objections and replies thereto, and upon consideration of Petitioner's Affidavit and Notice to Defend [Doc. No. 54], Motion under 28 U.S.C. § 1367 [Doc. No. 57], Motion for Certificate of Appealability [Doc. No. 58], and Motion for Joinder of Additional Defendants [Doc. No. 62], and for the reasons set forth in the Memorandum Opinion accompanying this Order, it is hereby **ORDERED** that:

1. The Report and Recommendation [Doc. No. 44] is **APPROVED** and **ADOPTED** as set forth in the accompanying Memorandum Opinion;
2. The Amended Petition for Writ of Habeas Corpus [Doc. No. 20] is **DISMISSED and DENIED**, without an evidentiary hearing;
3. Petitioner's request for declaratory relief in his Affidavit and Notice to Defend [Doc. No. 54] is **DISMISSED**;
4. Petitioner's Motion under 28 U.S.C. § 1367 [Doc. No. 57] is **DISMISSED** for lack of jurisdiction;

5. Petitioner's Motion for Certificate of Appealability [Doc. No. 58] is **DENIED**. A certificate of appealability will not issue as there is no basis for concluding that reasonable jurists would debate the Court's disposition or findings;¹
6. Petitioner's Motion for Joinder of Additional Defendants [Doc. No. 62] is **DENIED**.
7. The Clerk of Court is directed to **CLOSE** the case.

It is so **ORDERED**.

BY THE COURT:

/s/ **Cynthia M. Rufe**

CYNTHIA M. RUFÉ, J.

¹ *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).